

1 Francesco Benavides, CSBN 258924
2 Law Offices of Francesco Benavides
3 1990 N. California Blvd. 8th Floor
4 Walnut Creek, CA 94596
5 Tel: (925) 222-7071
6 Email: francesco@benavidesdisabilitylaw.com

7
8 Attorney for Plaintiff
9 DARIUS BROOKS JOHNSON
10

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

DARIUS BROOKS JOHNSON,
Plaintiff,
v.
FRANK BISIGNANO,
Commissioner of Social Security,
Defendant.

Case No. 2:25-cv-01239-CSK

STIPULATION FOR THE AWARD AND
PAYMENT OF ATTORNEY FEES AND
EXPENSES PURSUANT TO THE
EQUAL ACCESS TO JUSTICE ACT;
[PROPOSED] ORDER

IT IS HEREBY STIPULATED by and between the parties through their undersigned counsel, subject to the approval of the Court, that Plaintiff be awarded attorney fees and expenses in the amount of \$2,412.27, under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d), and no costs under 28 U.S.C. § 1920. This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §§ 2412(d), 1920.

After the Court issues an order for EAJA fees to Plaintiff, the government will consider the matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586, 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability

1 to honor the assignment will depend on whether the fees are subject to any offset
2 allowed under the United States Department of the Treasury's Offset Program. After
3 the order for EAJA fees is entered, the government will determine whether they are
4 subject to any offset.

5 Fees shall be made payable to Plaintiff, but if the Department of the Treasury
6 determines that Plaintiff does not owe a federal debt, then the government shall cause
7 the payment of fees, expenses and costs to be made directly to Plaintiff's counsel,
8 Francesco Benavides, pursuant to the assignment executed by Plaintiff.

9 Payments may be made by electronic funds transfer (EFT) or by check.

10 This stipulation constitutes a compromise settlement of Plaintiff's request for
11 EAJA attorney fees and does not constitute an admission of liability on the part of
12 Defendant under the EAJA or otherwise. Payment of the agreed amount shall
13 constitute a complete release from, and bar to, any and all claims that Plaintiff and/or
14 Francesco Benavides, including the Law Offices of Francesco Benavides, may have
15 relating to EAJA attorney fees in connection with this action.

16 This award is without prejudice to the rights of Francesco Benavides to seek
17 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings
18 clause provisions of the EAJA.

19
20 Respectfully submitted,

21
22 Dated: July 1, 2025

Law Offices of Francesco Benavides

23
24 By: /s/ Francesco Benavides
FRANCESCO P. BENAVIDES
25 Attorney for Plaintiff

1 Dated: July 1, 2025

2
3
4
5
MICHELE BECKWITH
Acting United States Attorney
MATHEW W. PILE
Associate General Counsel
Social Security Administration

6 By: Justin Martin*
7 JUSTIN MARTIN
Special Assistant U.S. Attorney
8 Attorneys for Defendant
9 (*Permission to use electronic signature
obtained via email on July 1, 2025).

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 [PROPOSED] ORDER
2

3 Based upon the parties' Stipulation for the Award and Payment of Equal Access
4 to Justice Act Fees and Expenses, **IT IS ORDERED** that fees and expenses in the
5 amount of \$2,412.27 as authorized by 28 U.S.C. § 2412, and no costs under 28 U.S.C.
6 § 1920, be awarded subject to the terms of the Stipulation.

7
8 DATE: July 7, 2025
9


10 HON. CHI SOO KIM
11 UNITED STATES MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5, john.1239.25